

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Kevin M. Merck,

Civil No. 18-3246 (DWF/BRT)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Minnesota Supreme Court, Minnesota  
Court of Appeals, Minnesota District Court  
Second, Ramsey County, and Washington  
County,

Defendants.

This matter is before the Court upon Plaintiff Kevin M. Merck's ("Plaintiff" objections (Doc. No. 6) to Magistrate Judge Becky R. Thorson's January 2, 2019 Report and Recommendation (Doc. No. 5) insofar as it recommends that this action be dismissed with prejudice.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. In the Report and Recommendation, the Magistrate Judge concluded that Plaintiff, while qualified financially for IFP status, has failed to state a claim on which relief can be granted. Specifically, the Magistrate Judge held that the Complaint fails to properly plead official-capacity claims against any Defendant, and even if it did, the "gravamen of [Plaintiff's] allegations . . . utterly fail to show any due-process violations." (Doc. No. 5 at 7.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). After carefully considering Plaintiff's objections, the Court finds no reason to depart from the Magistrate Judge's recommendation. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Plaintiff Kevin M. Merck's objections (Doc. No. [6]) to Magistrate Judge Becky R. Thorson's January 2, 2019 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Becky R. Thorson's January 2, 2019 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.

3. This action is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 5, 2019

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge